

From: ["Kaiser, Russell" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=222DA99956D24CA197DC6F8BF4AE1FF5-KAISER, RUSSELL>](#)  
To: [Raanan-Kiperwas](#)  
[Hadas:](#)  
CC: [Downing](#)  
[Donna:](#)  
Date: 2/4/2013 5:11:29 AM  
Subject: Re: Emergent issue at R8

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Yes, would like to know more - how about we chat on Friday? Thanks, Russ

Sincerely,

Russell L. Kaiser

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From:Hadas Raanan-Kiperwas/DC/USEPA/US

To:Russell Kaiser/DC/USEPA/US@EPA

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Date:01/31/2013 03:43 PM

Subject:Emergent issue at R8

Hi Russ,

Donna suggested it might be helpful if I would bring you up to speed on an emergent topic in R8:

Climax Molybdenum Mine (Summit Co, CO) is planning to expand its overburden stockpile facility. As such, they have approached the corps (Sacramento District, CO West Regulatory Branch) asking for a JD determination.

In summary, the mine is claiming wetlands near the mine are not jurisdictional because they lack a significant nexus, and that wetlands between the stockpile and the mine are not jurisdictional because they are part of the treatment facility and as such are included in their NPDES permit.

ex. b5 - deliberative

[REDACTED]

Please let me know if you would like me to fully brief you on the case.

-Hadas

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